

## REMARKS

### I. Status of Claims

Claims 1-43 are pending in the application.

Claims 19-43 were withdrawn from consideration. Rejoinder pursuant to MPEP § 821.04 is sought herewith for Claims 19-43 as presently amended.

Claims 1-18 stand rejected.

### II. Claim Rejections under 35 USC § 102(a)

The examiner has rejected Claims 1-18 under 35 U.S.C. 102(a) as being anticipated by Blyth et al. U.S. Patent no. 6,510,081 ("Blyth"). The examiner has stated that "Blyth shows all of the structural features of the claimed invention," citing, in particular to Blyth Fig. 7B. Blyth, Fig. 7B teaches a split gate memory cell wherein the gate of the memory cell is directly connected to the gate of the select transistor and both gates are controlled by a single "word line." As amended herein, Claim 1 states: "the gate of said select gate MOSFET device is controlled independently of the gate of said split-gate memory cell." An example of this is shown in Fig. 5, which discloses a split gate memory cell wherein the gate of the memory cell (control transistor) 511 is not connected to the gate of the select transistor 512 and each gate is controlled by a separate line. See also discussion at page 8 lines 4 to 11 of the specification. Because Blyth neither discloses nor suggests a memory array with byte-alterable capability wherein the gate of a select gate MOSFET device is not directly connected to the gate of a split-gate memory cell, the applicant submits that the examiner's rejection of Claim 1 has been overcome and requests that Claim 1 be allowed as amended herein.

With respect to dependent Claims 2-18, the applicant submits that the claims be allowed for at least the reasons stated above for independent Claim 1.

With regard to Claims 13-18, the examiner has stated that the limitations in these claims "are considered to be equivalent to those contained in the method of operating the memory device claims, which have been restricted out from the structure claims being examined. Consequently, these limitations are analogous to process limitations in a structure claim, and add no patentable weight to the specific structure of the claimed invention being examined." The applicant respectfully disagrees. Claims 13-18 each specify voltage requirements during operation of the memory array. As such, these limitations are structural in nature, i.e. only devices physically capable of operating under the claimed voltage levels will satisfy these claim limitations. Claims 13-18 each define the structure by its characteristics. They are not method limitations and it was improper to treat them as such. The applicant respectfully traverses the examiner's rejection of Claims 13-18 for this reason and for the reasons stated above for Claim 1.

### **III. Rejoinder of Claims 19-43.**

Having overcome the examiner's rejection to product claims 1-18, the applicant respectfully requests allowance of Claims 1-18. Further, upon allowance of Claims 1-18, applicant is entitled to rejoinder and allowance of Claims 19-43 pursuant to MPEP § 821.04

### **IV. Conclusion**

Having addressed the examiner's rejections, applicant submits that the reasons for the examiner's rejections have been overcome by the amended claims and remarks made herein, and the rejections can no longer be sustained. Applicant respectfully

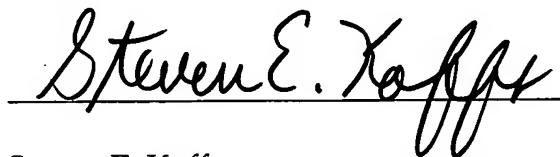
Express Mail Label No. EV 062828636 US  
Appln. No. 10/623,912 filed July 21, 2003  
Amendment and Response to Office Action of March 10, 2005  
Attorney Docket No.: TS01-1584 (N1280-00860)

requests reconsideration and withdrawal of the rejections and that a Notice of Allowance be issued.

Should any unresolved issues remain, the examiner is requested to call Applicant's attorney at the telephone number below.

The Commissioner for Patents is hereby authorized to charge any fees or credit any excess payment that may be associated with this communication to Duane Morris LLP deposit account 04-1679.

Respectfully submitted,

A handwritten signature in black ink, reading "Steven E. Koffs", is written over a horizontal line.

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